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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Nov 09, 2021

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

2:21-CR-30-RMP

v.

**Plea Agreement Pursuant to Fed. R.  
Crim. P. 11(c)(1)(C)**

## **TIMOTHY RICHARD RAY RIGGINS,**

**Defendant.**

Plaintiff, United States of America, by and through Vanessa R. Waldref, United States Attorney for the Eastern District of Washington, and Caitlin Baunsgard, Assistant United States Attorney for the Eastern District of Washington, and Defendant, TIMOTHY RICHARD RAY RIGGINS, and the Defendant's counsel, Amy Rubin, agree to the following Plea Agreement:

**1) Guilty Plea and Maximum Statutory Penalties:**

The Defendant agrees to plead guilty, pursuant to Fed. R. Crim. P. 11(c)(1)(C), to sole count of the Indictment filed on March 16, 2021, charging the Defendant with Possession of Unregistered Firearms / Destructive Devices, in violation of 26 U.S.C. §§ 5845(a)(8) and (f), 5861(d). The Defendant, understands that the charge contained in the Indictment is a Class C Felony. The Defendant also understands that the maximum statutory penalty for this offense is: (1) not more than 10 years

1 imprisonment; (2) a fine not to exceed \$250,000; (3) a term of supervised release of  
2 not more than 3 years; and (4) a \$100 special penalty assessment.

3 The Defendant further understands that a violation of a condition of supervised  
4 release carries an additional penalty of re-imprisonment for all or part of the term of  
5 supervised release without credit for time previously served on post-release  
6 supervision.

7       2) Global Resolution:

8       The Defendant is currently charged by the State of Washington, in and for the  
9 County of Grant, with multiple offenses under the following Grant County Cause  
10 Numbers: G210153CC (Obstruction) and 19-1-00632-13 (Robbery, Theft of Motor  
11 Vehicle, Possession of Explosives, and Abandonment of Explosives). The Defendant  
12 affirmatively wishes to resolve all of these federal and state charges as part of a single,  
13 global resolution<sup>1</sup>. The State of Washington will move to dismiss these stated cases  
14 after the Defendant is sentenced in this instant federal case within the Fed. R. Crim. P.  
15 11(c)(1)(C) range. This agreement does not contemplate the resolution of any charges  
16 in any other jurisdiction.

17       3) The Court is Not a Party to the Agreement:

18       The Court is not a party to this Plea Agreement and may accept or reject this  
19 Plea Agreement. Sentencing is a matter that is solely within the discretion of the  
20 Court. The Defendant understands that the Court is under no obligation to accept any  
21 recommendations made by the United States and/or by the Defendant; that the Court  
22 will obtain an independent report and sentencing recommendation from the U.S.  
23 Probation Office; and that the Court may, in its discretion, impose any sentence it  
24 deems appropriate up to the statutory maximums stated in this Plea Agreement.

25 \_\_\_\_\_  
26       1 The United States is not seeking to include these events as relevant conduct under  
27 USSG §1B1.3. However, the United States is free to discuss and argue this event as  
28 conduct to be considered by the sentencing court under the 18 U.S.C. § 3553(a)  
sentencing factors.

1 The Defendant acknowledges that no promises of any type have been made to the  
2 Defendant with respect to the sentence the Court will impose in this matter. The  
3 Defendant understands that the Court is required to consider the applicable sentencing  
4 guideline range, but may depart upward or downward under the appropriate  
5 circumstances.

6 The Defendant also understands that should the sentencing judge decides to  
7 sentence the Defendant to more than 84 months of incarceration, the Defendant may  
8 withdraw from this Plea Agreement and may withdraw his guilty plea. The Defendant  
9 also understands that should the sentencing judge decides to sentence the Defendant to  
10 less than 70 months, the United States may withdraw from this Plea Agreement.

11 4) Waiver of Constitutional Rights:

12 The Defendant understands that by entering this plea of guilty the Defendant is  
13 knowingly and voluntarily waiving certain constitutional rights, including:

- 14 a) The right to a jury trial;  
15 b) The right to see, hear and question the witnesses;  
16 c) The right to remain silent at trial;  
17 d) The right to testify at trial; and  
18 e) The right to compel witnesses to testify.

19 While the Defendant is waiving certain constitutional rights, the Defendant  
20 understands the Defendant retains the right to be assisted through the sentencing and  
21 any direct appeal of the conviction and sentence by an attorney, who will be appointed  
22 at no cost if the Defendant cannot afford to hire an attorney. The Defendant also  
23 acknowledges that any pretrial motions currently pending before the Court are waived.

24 5) Elements of the Offense:

25 The United States and the Defendant agree that in order to convict the  
26 Defendant of Possession of Unregistered Firearms / Destructive Devices, in violation  
27 of 26 U.S.C. §§ 5845(a)(8) and (f), 5861(d), the United States ~~would have to prove~~  
28 beyond a reasonable doubt the following elements:

1           *First*, on or about November 3, 2019, the Defendant, in the Eastern  
2 District of Washington, knowingly possessed a National Firearms Act  
3 firearm / destructive device as alleged in the Indictment;

4           *Second*, the firearms / destructive devices were a 1 ¾ ariel Consumer  
5 Firework shell containing explosive powder with 23 nails affixed to the  
6 exterior; a 1 ¾ ariel Consumer Firework shell containing explosive  
7 powder with 29 nails affixed to the exterior; and a 1 ¾ ariel Consumer  
8 Firework shell containing explosive powder with 22 nails affixed to the  
9 exterior;

10          *Third*, the Defendant knew of the characteristics of the firearm, that is, it  
11 was a destructive device, to wit an improvised explosive bomb as defined  
12 under 26 U.S.C. § 5845(f);

13          *Fourth*, the firearm was or could readily have been put in operating  
14 condition; and

15          *Fifth*, the firearms / destructive devices were not registered to the  
16 Defendant in the National Firearms Registration and Transfer Record.

17         6)    Factual Basis and Statement of Facts:

18          The United States and the Defendant stipulate and agree that the following facts  
19 are accurate; that the United States could prove these facts beyond a reasonable doubt  
20 at trial; and these facts constitute an adequate factual basis for Defendant's guilty plea.  
21 This statement of facts does not preclude either party from presenting and arguing, for  
22 sentencing purposes, additional facts which are relevant to the guideline computation  
23 or sentencing, unless otherwise prohibited in this agreement.

24          On November 3, 2019, the Moses Lake Police Department ("MLPD") received  
25 a 911 call from the victim of a carjacking, who advised the Defendant, TIMOTHY  
26 RICHARD RAY RIGGINS, had just assaulted her and stolen her vehicle. The victim  
27 further advised the Defendant had a "bomb" and she was concerned he was going to  
28 use it on a specified individual. The victim described the "bomb" as located in a gray

1 fanny pack-type bag and looked like firecrackers with nails sticking off it with a long  
2 fuse. The victim advised that before stealing her vehicle, the Defendant threatened  
3 her and her family and opened the gray fanny pack. The Defendant then threatened to  
4 blow her up. She reported that he then ignited and held a lighter next to the wick  
5 sticking out of the explosive. The Defendant said something to the effect of “someone  
6 like you should not piss off someone like me.” He then struck her. The victim was  
7 able to get out of the vehicle and the Defendant took off with the vehicle at a high rate  
8 of speed.

9 MLPD located the victim’s vehicle down the block from the reported incident.  
10 MLPD followed a trail of debris which appeared to be from the vehicle to a nearby  
11 residence. MLPD contacted the homeowner of that residence, who advised the  
12 Defendant was, in fact, in the residence, hiding in a washing machine. The victim  
13 arrived at the location and positively identified her belongings, as well as the gray  
14 fanny pack that contained the explosives the Defendant had threatened her with  
15 earlier.

16 The Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) assisted in  
17 the investigation. An ATF explosives expert examined the contents of the gray fanny  
18 pack and found it to contain 3 ariel Consumer Fireworks (each 1 ¾ inches), each with  
19 over 20 nails affixed to the exterior of them. Based on his examination, the ATF  
20 expert noted these were operational and the 3 devices would be classified as  
21 “improvised explosive bombs” as defined under 26 U.S.C. § 5845(f).

22 None of the seized destructive devices were registered to the Defendant in the  
23 National Firearms Registration and Transfer Record.

24 7) The United States Agrees Not to File Additional Charges:

25 The United States Attorney’s Office for the Eastern District of Washington  
26 agrees not to bring any additional charges against the Defendant based upon  
27 information in its possession at the time of this Plea Agreement and arising out of

1 Defendant's conduct involving illegal activity charged in this Indictment, unless the  
2 Defendant breaches this Plea Agreement any time before or after sentencing.

3       8)     United States Sentencing Guideline Calculations:

4              The Defendant understands and acknowledges that the United States Sentencing  
5 Guidelines ("USSG") are applicable to this case and that the Court will determine the  
6 Defendant's applicable sentencing guideline range at the time of sentencing.

7       a)     *Base Offense Level:*

8              The United States and the Defendant agree that the base offense level for  
9 Possession of Unregistered Destructive Devices, in violation of 26 U.S.C. §§  
10 5845(a)(8) and (f), 5861(d) is a 22, as the Defendant possessed a firearm described in  
11 26 U.S.C. 5845(a) and has a previous conviction for a felony crime of violence. *See*  
12 USSG §2K2.1(a)(3).

13       b)     *Specific Offense Characteristics:*

14              The United States and the Defendant agree to recommend a 2-level increase  
15 because the devices were destructive devices. *See* USSG §2K2.1(b)(3)(B).

16              The United States and the Defendant also agree to recommend a 4-level  
17 increase because the destructive device was used or possessed in connection with  
18 another felony offense. *See* USSG §2K2.1(b)(6)(B). The United States and the  
19 Defendant agree to recommend no additional specific offense characteristics apply.

20       c)     *Acceptance of Responsibility:*

21              If the Defendant pleads guilty and demonstrates a recognition and an  
22 affirmative acceptance of personal responsibility for the criminal conduct; provides  
23 complete and accurate information during the sentencing process; does not commit  
24 any obstructive conduct; accepts this Plea Agreement; and enters a plea of guilty no  
25 later than the next Pre-Trial Conference, the United States will move for a three (3)  
26 level downward adjustment in the offense level for the Defendant's timely acceptance  
27 of responsibility, pursuant to USSG §3E1.1(a) and (b).

1       The Defendant and the United States agree that the United States may at its  
2 option and upon written notice to the Defendant, not recommend a three (3) level  
3 downward reduction for acceptance of responsibility if, prior to the imposition of  
4 sentence, the Defendant is charged or convicted of any criminal offense whatsoever or  
5 if the Defendant tests positive for any controlled substance.

6           d) *Criminal History:*

7       The United States and the Defendant understand that the Defendant's criminal  
8 history computation is tentative and that ultimately the Defendant's criminal history  
9 category will be determined by the Court after review of the Presentence Investigative  
10 Report. The United States and the Defendant have made no agreement and make no  
11 representations as to the criminal history category, which shall be determined after the  
12 Presentence Investigation Report is completed.

13           9) Incarceration:

14       Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the United States and the Defendant  
15 agree to recommend a term of incarceration within the applicable guideline range as  
16 contemplated by the parties in this Plea Agreement (70-87 months). The parties agree  
17 to recommend the Defendant receive credit for the time he has served on this fact  
18 pattern.

19           10) Criminal Fine:

20       The United States and the Defendant agree to recommend no criminal fine.

21           11) Supervised Release:

22       The United States and the Defendant agree to recommend that the Court impose  
23 a 3 year term of supervised release to include the following special conditions, in  
24 addition to the standard conditions of supervised release:

- 25           a) that the Defendant participate and complete such drug testing and drug  
26 treatment programs as the Probation Officer directs; and  
27           b) that the Defendant complete mental health evaluations and treatment,  
28 including taking medications prescribed by the treatment provider. The

1           Defendant shall allow reciprocal release of information between the  
2 Probation Officer and the treatment provider. The Defendant shall  
3 contribute to the cost of treatment according to the Defendant's ability.  
4 c) that the Defendant's person, residence, office, vehicle, and belongings  
5 are subject to search at the direction of the Probation Officer.

6       12) Mandatory Special Penalty Assessment:

7           The Defendant agrees to pay the \$100 mandatory special penalty assessment to  
8 the Clerk of Court for the Eastern District of Washington, at or before sentencing,  
9 pursuant to 18 U.S.C. § 3013 and shall provide a receipt from the Clerk to the United  
10 States before sentencing as proof of this payment.

11       13) Payments While Incarcerated:

12           If the Defendant lacks the financial resources to pay the monetary obligations  
13 imposed by the Court, the Defendant agrees to earn the money to pay toward these  
14 obligations by participating in the Bureau of Prisons Inmate Financial Responsibility  
15 Program.

16       14) Additional Violations of Law Can Void Plea Agreement:

17           The Defendant and the United States agree that the United States may at its  
18 option and upon written notice to the Defendant, withdraw from this Plea Agreement  
19 or modify its recommendation for sentence if, prior to the imposition of sentence, the  
20 Defendant is charged or convicted of any criminal offense whatsoever or if the  
21 Defendant tests positive for any controlled substance.

22       15) Appeal Rights:

23           In return for the concessions that the United States has made in this plea  
24 agreement the Defendant agrees to waive his right to appeal his sentence if the Court  
25 sentences the Defendant within the Fed. R. Crim. P. 11(c)(1)(C) range.

26           The Defendant further expressly waives his right to file any post-conviction  
27 motion attacking his conviction and sentence, including a motion pursuant to 28  
28 U.S.C. § 2255, except one based upon ineffective assistance of counsel based on

1 information not now known by the Defendant and which, in the exercise of due  
2 diligence, could not be known by the Defendant by the time the Court imposes the  
3 sentence.

4 Should this conviction be set aside, reversed, or vacated, this Plea Agreement is  
5 null and void and the United States may institute or re-institute any charges against the  
6 Defendant and make derivative use of any statements or information the Defendant  
7 has provided.

8 16) Integration Clause:

9 The United States and the Defendant acknowledge that this document  
10 constitutes the entire Plea Agreement between the United States and the Defendant,  
11 and no other promises, agreements, or conditions exist between the United States and  
12 the Defendant concerning the resolution of the case. This Plea Agreement is binding  
13 only upon the United States Attorney's Office for the Eastern District of Washington,  
14 and cannot bind other federal, state or local authorities. The United States and the  
15 Defendant agree that this agreement cannot be modified except in a writing that is  
16 signed by the United States and the Defendant.

17  
18 Approvals and Signatures

19  
20 Agreed and submitted on behalf of the United States Attorney's Office for  
21 the Eastern District of Washington.

22 Vanessa R. Waldref  
23 United States Attorney

24  
25   
26 Caitlin Baunsgard  
27 Assistant U.S. Attorney

28  11/9/21  
Date

1 I have read this Plea Agreement and have carefully reviewed and discussed  
2 every part of the agreement with my attorney. I understand and voluntarily enter into  
3 this Plea Agreement. Furthermore, I have consulted with my attorney about my  
4 rights, I understand those rights, and I am satisfied with the representation of my  
5 attorney in this case. No other promises or inducements have been made to me, other  
6 than those contained in this Plea Agreement and no one has threatened or forced me in  
7 any way to enter into this Plea Agreement. I am agreeing to plead guilty because I am  
8 guilty.

9  
10  
11  
12 TIMOTHY RICHARD RAY RIGGINS  
Defendant

11/9/21  
Date

13  
14  
15 I have read the Plea Agreement and have discussed the contents of the  
16 agreement with my client. The Plea Agreement accurately and completely sets forth  
17 the entirety of the agreement between the parties. I concur in my client's decision to  
18 plead guilty as set forth in the Plea Agreement. There is no legal reason why the  
19 Court should not accept the Defendant's plea of guilty.

20  
21  
22 Amy Rubin  
Attorney for the Defendant

11/9/21  
Date